HONOURABLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.2501 OF 1999

Dated 26th September, 2007

Between:

Smt. Pothula Suguna and another.

…Petitioners.

And:

1. Government of A.P., Revenue (Assn.IV) Department, represented by its Secretary, Secretariat Building, Secretariat, Hyderabad and others.

…Respondents.

ORDER:

This Writ Petition is filed seeking to issue a Writ, order or direction more particularly in the nature of writ of mandamus declaring the orders passed by the 1st respondent in his proceedings Memo No.72482/ASN 4 (2)/97 dated 28-11-1998 clubbing the A.M. File 182 to 155/5/1405 page 1-44 (which does not relate to the petitioners) and passing orders to resume the lands of the petitioners as clearly non-application of mind and gross violations of principles of Natural Justice and consequently direct the respondents not to dispossess the petitioners from the land in S.Nos.234-1, 234-46 admeasuring Ac.4-97 cents and S.Nos.234-3, 234-4a, 234-7a cents and S.Nos.234-3, 234-4a, 234-7a and an extent of Ac.4.42 cents of land situated in R.Nandipalle village, Ramasamudram Mandal, Chitoor District.

The petitioners were assigned certain extents of land in Survey Numbers 234/1, 234/46, 234/3, 234/4-a, 234/7a on 21-11-1995 by the Mandal Revenue Officer, Rama Samudram, Chittoor District. On 16-7-1997, the

3rd respondent has issued a show cause notice wherein it is mentioned that the petitioners were assigned lands, they never cultivated the same and that they are not the residents of the said village. Therefore, it is pointed out that they have violated conditions 1 and 2 of the pattas granted in their favour and called upon the petitioners to submit their explanation within a period of seven days from the date of receipt of notice. The petitioners admit that they have given a detailed reply. However, having given a reply, they approached respondent No.1 by invoking its Revisional Jurisdiction questioning the initiation of proceedings by Respondent No.3. Respondent No.1 by its impugned order disposed of the same with a finding that action of the Joint Collector in directing resumption of the lands and assigning them to the eligible Schedule Caste Persons is in accordance with the norms of the Government.

Heard Sri M.Venkata Ramana Reddy, learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue.

Learned Counsel for the petitioners submits that the petitioners have questioned the show cause notice and till now no final orders have been passed by Respondent No.3 in pursuance of the show cause notice. He further stated that when the petitioners sought interdiction of the proceedings initiated by Respondent No.3, Respondent No.1 had, without application of mind, rejected the revision petition with a finding that the Joint Collector, had already passed an order resuming the land with a direction to assign them to eligible persons.

I have gone through the counter-affidavit filed by the Mandal Revenue Officer, Ramasamudram in which it is mentioned that in pursuance of the notice dated 16-7-1997, the petitioners appeared before him and after considering their representations, he cancelled the assignments made in favour of the petitioners on the ground that they have violated the conditions of 1 and 2 of D. Form Pattas.

Learned counsel for the petitioners, however, submitted that the

petitioners were not communicated with the orders of assignment.

It to be noticed that Mandal Revenue Officer had filed counter on 27-3-1999 and the petitioners have not filed any reply-affidavit contradicting the averments contained in the counter-affidavit. Not-withstanding this, I feel it appropriate to dispose of the writ petition with a liberty to the petitioners to question the proceedings of the 3rd respondent under which the assignments are said to have been cancelled, by filing an appropriate appeal. It is also required to be observed that the proceedings of the Government impugned in this writ petition have been issued without any application of mind.

A reading of the memo clearly shows that the Government was dealing with the cases of one P.Venkateswara Reddy, P.Janardhan Reddy and P.Gangi Reddy who have nothing to do with this writ petition. It also further shows that the Government was under the impression that the Joint Collector cancelled the assignments made in their favour. From the counter-affidavit filed by the Mandal Revenue Officer, it shows that it is the Mandal Revenue Officer, who cancelled the assignment granted in favour of the petitioners. I am, therefore, of the view that the Government has passed the order by wrongly considering the facts of an unconnected case.

In this view of the matter, the impugned memo is set aside. Liberty is given to the petitioners to avail the remedy of appeal before the competent authority to question the order passed by respondent No.3 within a period of six weeks from the date of receipt of a copy of this order and on such filing, the appellate authority shall entertain and dispose of the same on its own merits in accordance with law.

Accordingly, the Writ Petition is allowed.

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Justice C.V.NAGARJUNA REDDY

Dated 26th September , 2007.

Dvs

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